

Appl. No. 10/036,605
Amdt. dated January 10, 2007
Reply to Office Action of August 10, 2007

Remarks

The present amendment responds to the Official Action dated August 10, 2007. A petition for a two month extension of the time to respond and authorization to charge our credit card the two month extension fee of \$460 are enclosed. Claim 1 was objected to as informal. Claims 1-32 were rejected under 35 U.S.C. 103(a) over Cadigan et al. U.S. Publication No. 2004/0093242 (Cadigan) in view of "Enhanced Claims Processing Capabilities Bolster American Default Management Solutions (Claims Processing). Claim 1 has been amended to be more clear and distinct by adopting the Examiner's suggestion to add a --,-- before the previously newly added claim language. Claims 1-32 are presently pending.

The Art Rejections

All of the art rejections are based on Cadigan taken in combination with Claims Processing. As addressed in greater detail below Cadigan and Claims Processing do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicants do not acquiesce in the analysis of Cadigan and Claims Processing made by the Official Action and respectfully traverse the Official Action's analysis underlying its rejections. In addition, the Applicants do not admit that Cadigan and Claims Processing are in fact prior art.

Cadigan on its face claims continuation status back to U.S. Application Serial No. 10/028,964 filed December 27, 2001 which in turn purportedly claims the benefit of Provisional Application No. 60/280,146 filed on April 2, 2001. As applicants' attorney was not able to obtain a copy of the provisional application which the Public PAIR System shows as expired, no

Appl. No. 10/036,605
Amdt. dated January 10, 2007
Reply to Office Action of August 10, 2007

comparison has been made between the Cadigan publication and the provisional. The present application was filed December 21, 2001, a date prior to the December 27, 2001 filing date of Cadigan's earliest regular utility application. If the Examiner wants to continue to rely upon Cadigan, she is requested to obtain and forward a copy of Provisional Application No. 60/280,146, as that is the only material which may qualify as prior art.

The Rule 131 Declaration of Nancy J. Dodd, Charla M. Parker and Traci L. Whitney (Rule 131 Declaration) submitted herewith establishes that the subject matter of at least claims 1, 11, 14 and 24 was conceived prior to April 2, 2001 and diligently reduced to practice at least as early as June 13, 2001 when it was used by an actual customer to file a claim thereby eliminating Cadigan as prior art.

It is further noted that claim 1 addresses a central server computer for receiving inputs from, and providing outputs to, a servicer terminal connected into a network, the servicer terminal capturing data from a servicer submitting a mortgage insurance claim, the data being related to an insured mortgage loan after default on the mortgage loan by a borrower, a claims database connected into the network, containing data relating to the mortgage insurance claim, and a claim audit rulebase connected into the network, for automatically performing an audit and adjustments of the submitted mortgage insurance claim, providing results of the audit and adjustments to the servicer at the servicer terminal, and presenting the servicer with an option to interact with a claim representative to resolve any issues. The claim audit rulebase includes rules directed to determine whether loss can be mitigated by acquisition by the insurer of a property subject to the insured mortgage loan.

Appl. No. 10/036,605
Amdt. dated January 10, 2007
Reply to Office Action of August 10, 2007

These limitations in the claimed combination are not taught and are not made obvious by Cadigan. As correctly admitted by the Official Action at page 4 which states: "Cadigan does not disclose a claim audit release including rules directed to determine whether loss can be mitigated by the insurer of a property subject to the insured mortgage loan."

Cadigan teaches a system for management of claims for long term care, and provides facilities for the collection and processing of such claims. In a scenario contemplated by Cadigan, payments are typically to be made periodically, based on entitlement to benefits for the period, typically based on factors such as degree of disablement and expenses incurred. Cadigan does not address any aspect of mortgage insurance and does not involve the participation of a mortgage insurance servicer, as is claimed by claim 1. As noted above, Cadigan does not teach a rulebase including rules directed to determine whether loss can be mitigated by acquisition by an insurer of a property subject to an insured mortgage loan. Further, Cadigan nowhere addresses the capture of data related to an insured mortgage loan after default on the loan by a borrower.

Cadigan teaches systems and techniques providing various functions and tools related to assessing eligibility for long term care and the care received by a patient and making appropriate payments for such care. Cadigan identifies applicable coverage, examines coverage limits, evaluates the degree of disability of a covered party, evaluates other sources of coverage such as Medicaid, and other factors indicating eligibility for coverage, and performs numerous other functions directed toward payments associated with long term care.

The present invention, by contrast deals with mortgage insurance claims and submission of data relating to an insured mortgage after default by a borrower. See, for example,

Appl. No. 10/036,605
Amdt. dated January 10, 2007
Reply to Office Action of August 10, 2007

specification, p. 14, line 7-p. 17, line 7, which details examples for submission of data relating to a mortgage loan, such as identification of the loan and borrower, property securing the loan, and various expenses incurred as a result of default. In addition, the invention of claim 1 addresses the use of a rulebase, including rules directed to determine if loss can be mitigated by acquisition of a property by an insurer. See, for example, specification at p. 7, lines 3-9, which discusses the possibility that the servicer has title to the distressed property at the time a claim is submitted, in which case the rulebase determines whether there is a possibility for loss mitigation by acquisition of the property by the insurer. Cadigan does not teach and does not make obvious the collection of any such data, or the use of any rules relating to acquisition of a distressed property. Cadigan is not concerned with mortgage insurance, but is instead concerned with an entirely different line of insurance involving different data and different techniques for analysis of that data. Claim 1, as amended, therefore defines over the cited art and should be allowed.

The Official Action did not specifically address the subject matter of claims 30-32, newly added by the Amendment filed January 8, 2007. It is noted that claim 30 depends from claim 1 and further requires that "the servicer terminal captures data relating to the value of a property securing the insured mortgage loan". Claim 31 depends from claim 1 and further requires that "the servicer terminal captures data relating to unpaid interest due and expenses incurred as a result of default by a borrower. Claim 32 depends from claim 2 and further requires that "the claim form includes provisions for submission of all data specified by the Uniform Mortgage Insurance Claim for Loss." While claims 30-32 are dependent claims and allowable, with claim

Appl. No. 10/036,605
Amdt. dated January 10, 2007
Reply to Office Action of August 10, 2007

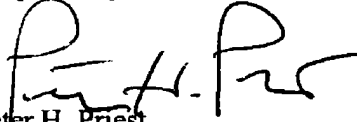
1, it is requested that the Examiner specify the basis for rejecting these claims if the rejection of claim 1 is maintained.

With respect to claim 27, this claim recites "receiving an electronic feed of claims data from a centralized claim repository" which is not taught by Cadigan or by Claims Processing.

Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



Peter H. Priest
Reg. No. 30,210
Priest & Goldstein, PLLC
5015 Southpark Drive, Suite 230
Durham, NC 27713-7736
(919) 806-1600